IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12612 of 2004

Between:

M/s. Vijaya Durga Wines in I.L-24, rep by Licencsee, Sri V. Satyanarayana, S/o Suryanarayana
R/o Veeravasaram (Village & Mandal), West Godavari District

..... PETITIONER

AND

1 The Government of A.P., rep. by Principal

Secretary, to Government (Revenue) Department,
Secretariat, Hyderabad
2 The Commissioner of Proh & Excise, Government of A.P., Nampally,
Hyderabad
3 The Proh & Excise Superintendent, Eluru, West Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the respondents in not granting and refunding the proportionate licence fee for the period from 29-11-2001 to 28-3-2002, 22-4-2002 to 6-5-2002 and from 5-8-2002 to 21-8-2002 i.e. for the period for which the petitioner was prevented from conducting I.L-24 business, by virtue of Hon'ble High Court orders by considering the petitioners representation dt 21-2-2003 and 16-07-2004 as bad illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and principles of equity and consequently direct the

respondents to grant and pay the proportionate licence fee for the period from 29-11-2001 to 28-3-2002, 22-4-2002 to 6-5-2002 and from 5-8-2002 to 21-8-2002 of adjust the same in future installments of 2004-2005 lease year Licence fee

Counsel for the Petitioner:MR.CHANDRAIAH SUNKARA

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R;

The petitioner is a licensee in Form I.L-24, for sale of foreign liquor and Indian liquor. This Writ Petition is filed seeking a declaration that the action of the respondents in not refunding the proportionate licence fees for the period from 29-11-2001 to 28-03-2002, 22-4-2002 to 6-5-2002 and 5-8-2002 to 21-8-2002 during which period he was prevented from carrying on the business is arbitrary and illegal.

The petitioner states that in spite of the fact that he made repeated representations to the respondents, his claim has not been considered so far. It is stated that he made representations dated 21-2-2003 and 16-7-2004 to the Commissioner of Prohibition and Excise, Government of A.P., Hyderabad, with a copy to the Prohibition and Excise Superintendent, Eluru, West Godavari District, requesting renewal of his licence by adjusting Rs.75,000/- towards licence fee and to refund the balance proportionate licence fee of Rs.1,08,433/-.

Having regard to the facts and circumstances of the case, without expressing any opinion with regard to the entitlement of the petitioner, either for renewal or for refund as claimed by him, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents 2 and 3, to consider the representation of the petitioner, dated 16.7.2004 and to pass appropriate orders in accordance with

law within a period of two weeks from the date of receipt of this order.

Writ Petition is disposed of with the above direction. No costs.

21st July 2004

Note:

Issue C.C. in three days

B/o

BCS/ Md.AA

True Copy

Section Officer.]

To

1 The Principal Secretary (Revenue), Government of A.P., Secretariat, Hyderabad
2 The Commissioner of Proh & Excise, Government of A.P., Nampally, Hyderabad
3 The Proh & Excise Superintendent, Eluru, West Godavari District

4. .2CCs to G.P. for Prohibition and Excise, High Court of A.P,

Hyderabad (OUT)

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